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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,271	05/25/2001	Katsuyoshi Masc	14655	3629
23389	7590	07/27/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/865,271

Applicant(s)

MASE, KATSUYOSHI

Examiner

David Y. Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-34 are presented.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, 11, 12, 14-23, 27, 28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rommel P. Feria's posting on Monday, May 24, 1999 12:00 am on rec.photo.digital discussion group (hereinafter also referred as "Feria")

Regarding claim 1, Feria teaches "A ... watermarking device for inserting a ... watermark into the ... information, the ... watermarking device comprising: a ... watermark insertion circuit for inserting the ... watermark into the ... information, the ...

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watermark uniquely corresponding to the type of data contained in said ... information (the second paragraph, "enable the watermark – date and time")."

These passages of Feria are not explicit about "digital" in the sense of the claim.

Nevertheless, it was well known in the art to have a "digital" situation among photograph situation as in Feria – for the motivation of having easier handling of data.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Feria for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 6, 11, 14, 16, 18, 20, 22, 27, 32, Feria, in combination with the well known prior art, suggests watermarking system using various watermarking parameters to watermark time-stamped images comprising:

Digital watermark inserted/detected to digital data by circuit / (the second paragraph, "enable the watermark") and

Digital watermark of specified type / (the second paragraph, "enable the watermark – date and time").

Regarding claims 2, 7, 12, 15, 17, 19, 21, 23, 28, 33, Feria, in combination with the well known prior art, suggests

Digital watermark insertion/detection/extraction corresponds to time stamp in visual data / (the second paragraph, "enable the watermark – date and time").

Claims 3, 8, 13, 24, 29 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Feria in view of Levy, US Patent Pre-grant Pub No 20010054150

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(hereafter referred to as 1150). Note especially that the subject matter of Levy dates back to before the priority date of this patent application (09/865271). See, also, provisional application 60/190481.

As to claims 3, 8, 13, 24, 29, 34:

Feria teaches a watermarking system using various watermarking parameters to watermark time-stamped images. Feria does not specifically teach to watermark video/audio files where video and audio are separated authenticated and synthesized for encoding/playback. 1150 teaches separating and watermarking the audio and video portions of MPEG audio/video files for authenticated playback (Page 5, Paragraphs 0052 and 00593.

It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the watermarking parameters and timestamps of Feria with the separation/watermark/synthesis of audio/video in 1150. One of ordinary skill in the art would have been motivated to combine the watermarking parameters and timestamps of Feria with the separation/watermark/synthesis of audio/video in '150 because the combination would advantageously provide timestamps and the flexibility of choice between a variety of watermarking parameters with the MPEG audio/video watermarking system of \$150.

Claims 4, 5, 9, 10, 25, 26, 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Feria in view of 1150 in further view of Kono et al., Us Patent No 6628719 (hereafter referred to as '719).

Feria as modified above teaches watermarking system using various

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watermarking parameters to watermark corresponding time-stamped MPEG audio/video. Feria as modified above does not specifically teach for the . watermarking system to automatically extract the visual timestamp data. '719 teaches an MPEG codec that automatically reads a timestamp data from an MPEG video file (Col 3, Lines 50-54, '719).

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the automatic timestamp extraction MPEG codec of '719 with the invention of Feria as modified above. One of ordinary skill in the art would have been motivated to use the automatic timestamp extraction MPEG codec of '719 with the invention of Feria as modified above because adding automatic timestamp extraction expands desired functionality to authentication of secure information.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

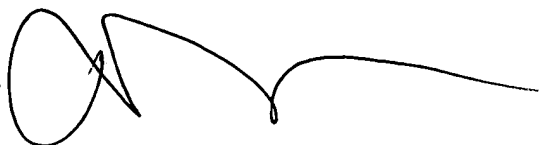
(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

David Jung

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Patent Examiner

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the right.

7/24/06